

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

STEVEN PALMER; SHAWN
PALMER, and MOMS WELLNESS
EMPORIUM, LLP,

Plaintiffs,

vs.

CITY OF BILLINGS; STEVE
HALLAM in his individual and official
capacity, and JOHN DOES 1-10,

Defendants.

CV 22-25-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Defendants City of Billings and Billings Police Department Steve Hallam's (collectively "Defendants") Motion to Dismiss (Doc. 8). (Doc. 26). The Magistrate recommended that Defendants' motion be granted as to Counts III and IV and denied as to all other claims. (Doc. 26 at 21).


Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. Defendants requested and were granted an extension to file objections, but ultimately decided not to file objections. (Doc. 29). When neither party objects, this Court reviews the Magistrate's Findings and Recommendation

for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 26) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendants’ Motion to Dismiss (Doc. 8) is GRANTED as to Counts III and IV and DENIED as to all other Counts.

DATED this 29th day of March, 2023.



SUSAN P. WATTERS
United States District Judge